



U.S. Department of Justice

Environment and Natural Resources Division

Case No. 90-6-2-00837

Indian Resources Section

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September 24, 2004

VIA FACSIMILE (206-370-8831)

Honorable Thomas S. Zilly
United States Federal Court Building
700 Stewart Street
Seattle, Washington 98101

Re: United States, Plaintiff, Lummi Nation, Plaintiff-Intervenor, vs. Washington
Department of Ecology, et al.
Cause No. C01-0047Z

Dear Judge Zilly:

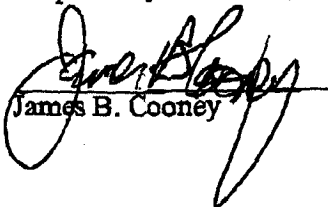
At the Pre Trial Conference on September 17, 2004, the Court directed the active parties in this case to submit a letter to the Court indicating the dates that counsel would meet to discuss several issues (identified below) relating to the trial of this case. The purpose of informing the Court of these meeting dates is to enable the Court, through a formal Court Notice, to notify all *pro se* parties in this case of such meeting dates, so that any *pro se* party wishing to participate in such meetings has an opportunity to do so. Pursuant to the Court's direction, I submit the following letter on behalf of the United States, Lummi Nation, State of Washington, Department of Ecology, Homeowner Defendants (represented by Eugene Knapp) and Water Association Defendants (represented by Timothy Slater) (collectively referred to as the "Active Parties"):

Counsel for the Active Parties will meet on the following dates to discuss the following issues: trial issues and order of presentation, the anticipated length of trial and possible methods of shortening the trial, continued work on the proposed pre-trial order, and possible trial dates.

1. October 12, 2004, in Bellingham, Washington, at Bellis Fair Mall, Community Room, located at One Bellis Fair Parkway, at 9:30 a.m.
2. November 22, 2004, in Seattle, Washington, at the Office of the Attorney General, 900 4th Avenue, Suite 2000 (Bank of California Building) at 9:30 a.m.

In addition, the Department of Ecology is exploring the possibility of putting notices of meetings, court dates, and drafts of the pretrial order on its website, the address of which is <http://www.ecy.wa.gov>. However, it is not certain at this time when that service will be available or where specifically that information would be located. When more information regarding the use of the Ecology website is available, Ecology will so inform the Court.

Respectfully submitted,


James B. Cooney

cc : Harry Johnsen
Jane Marx
Barbara Markham
Thomas Young
Timothy Slater
Eugene Knapp